18. JAN. 2008 17:42

HOWREY LLP AMSTERDAM

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NR. 3253 P. 2 |63 \ 2008 JAH 24 Pii 4: 29

JAN 18 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Guido BIEKER

Serial No. 10/521,361 Confirmation No. 2310

Filed: 14 January 2005

Title: REDUCTION OF TORSIONAL VIBRATION IN RAIL VEHICLE

WHEEL SETS

Group Art Unit: 3617

Examiner: Stormer

Atty. Dkt. No.: 01117.0010.PCUS00

RECEIVED

MAR 1 2 2008

PETITION TO WITEDRAW HOLDING OF ABANDONMENT OFFICE OF PETITIONS
PURSUANT TO 37 CFR 1.181

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Sir:

In response to the Notice of Abandonment dated 11th December, 2007 (copy attached), Applicant requests withdrawal of the Notice of Abandonment and issue of a patent for the above referenced application.

- (1) Payment of the Issue fee was timely transmitted to the Patent and Trademark Office on 14th November 2007. The response was sent via facsimile to telephone number 001-571 273 2885 and included a signed Certificate of Transmission as provided for under 37 CFR 1.8.
- (2) An additional copy of the response as filed is attached including a facsimile transmission report.
- (3) The transmittal was timely received by the USPTO and is presently on file on Serial No 10/849,802.——
- (4) The documents submitted identified the application by Applicant name, Examiner Name, Filing date, Title, Confirmation No, Group Art No. Attorney Docket Number Serial Number and International Application No. as can be seen from the enclosed copy of the transmittal form. Due to an oversight; the Serial No was incorrectly referenced as 10/849,802. All other numbers were correct. In particular, the International Application No. correctly and

uniquely identifies the correct application and it is evident that no other application could have been intended.

It is requested that the transmittal form be corrected to identify the above mentioned application 10/521,361 and that the documents as submitted on 14th November 2007 are removed from file 10/849,802 and placed on the correct file No. 10/521,361. Applicant hereby furthermore petitions for the revival of this application.

In the event that the above first petition is not upheld, Applicant hereby petitions for revival of the application as having been unavoidably abandoned. Payment of the fee for such petition of \$510 and all fees required for issue of a patent are hereby authorized from Deposit Account No. 08-3038. The application was prosecuted with all due care and attention and despite such care, a single omission regarding the correct identification of the Serial Number was overlooked. The omission may be considered as an isolated error in an otherwise well functioning system.

In the event that neither of the above petitions is granted, revival of the application as being unintentionally abandoned is hereby petitioned according to the attached form PTO/SB/64.

Refund of the incorrectly paid issue fee on the file with serial No. 10/849,802 is requested as appropriate.

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned by email at owend@howrev.com in order to resolve any questions.

Respectfully submitted,

David P. Owen

Reg. No. 43,344

Date: 18 Jan 2008

Customer No. 32894

REGEIVED CENTRAL FAX CENTE-INR. 3253 P.

JAN 18 2008

PTO/SB/84 (05-03)

Approved for use through 04/30/2003. GMB 0651-0031

U.S. Palent and Trademark Office; U.S. DEPARTMENT OF COMMERCE.

Under the Peparwork Reduction Act of 1995, no parsons are required to respond to a collection of information unices it displays a valid OMD control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 01117.0010.PCU\$00				
First named inventor: BIEKER, Guido					
Application No.: 10/521,381 Group Art Unit: 3517	RECEIVED				
Filed: 01/14/2005 Examiner: STORMER	R, Russell D.				
Title: REDUCTION OF TORSIONAL VIBRATION IN RAIL VEHICLE WHEEL SETS	MAR 1 2 2008				
Attention: Office of Petitions Mail Stop Petition Commissioner for Petents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916	OFFICE OF PETITION				
NOTE: If information or assistance is needed in completing this form, Petitions information at (703)305-9282.	, please contact				
The above-identified application became abandoned for fallure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.					
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION					
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee — required for all utili applications filed before June 8, 1995; and for all design applications filed before delay was unintentional.	ity and plant dications; and				
Petition (se Small entity - fee \$ (37 CFR 1.17(m)). Applicant claims small entity state	us. Sas 27 CED 4 27				
☑ Other than small entity - fee \$1540 (37 CFR 1.17(m))	us. See 37 CFR 1.27.				
2. Reply and/or fee					
A. The reply and/or fee to the above-noted Office action in the form of (identify type of reply): hes been filed previously on is enclosed herewith. B. The issue fee of \$ 1400.00 + Publication for a part of the speed of the sp					

[Page 1 of 2]

This collection of Information is required by 87 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form another suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Paternal and Trademark Office, U.S. Department of Commerce, P.O. 1460, Alexandria, VA 22313-1450. DO NOT SEND FEE3 OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissionar for Patenta, P.O. Box1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED CENTRAL FAX CENTER

NR. 3253 P. 7

JAN 18 2008

PTO/SB/64 (03-03)
Approved for use through 04/30/2003. OMB 0651-0031
Palant and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Ac. of 1995, no persons are required to respond to a collection of information under its paper.

3.	Terminal disclaimer with disclaimer fee			
	Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.			
	A terminal disclaimer (and disclaimer toe (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).			
4.	Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].			
	WARNING: Information on this form may become purincluded on this form. Provide credit card information	blic. Credit card information should not be on and authorization on PTO-2038.		
	17 January 2008	In After		
	Date	Simonton		
	Date	Signature		
	Hephone			
INL	umber: +31 20 592 4442	Typed or printed name		
		David P. Owen		
		Address		
		Howrey LLP		
		2941 Fairview Park Drive, Box 7		
		Falls Church, VA 22042		
_		United States of America		
Er	nclosures: 🛭 Fee Payment	•		
	☐ Reply	!		
	☐ Terminal Disclaimer Form	•		
	☐ Additional sheets containing statements estal	olishing unintentional delay		
	Other:			
_				
	CERTIFICATE OF MAILING OR TRANS	MISSION [37 CFR 1.8(A)]		
	I hereby certify that this correspondence is being:			
	deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.			
	☑ transmitted by facsimile on the date shown below to the F	Patent and Trademark Office at (703) 308-8916.		
		Signature		
	Date			
	Typed or printe	d name of person signing certificate		

Name (Print/Type) David P. OWEN

RECEIVED CENTRAL FAX CENTRAL

NR. 3253 P.

PTO/SB/17 (10-07)

JAN 18 2008

Under the Paperwork Reduction Act of 1995 no persons are required to r	U.S. Patent and Tre	pproved for use through 08/30/20 demark Office; U.S. DEPARTME	010. OMB 0651-0032 ENT (TO GENERALE)
Effective on 12/08/2004.	sapono to a collection of milos	Complete if Known	OMESICATION
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).	Application Number	10/521,361	1412 . 0
FEE TRANSMITTAL	Filing Date	01/14/2005	MAR 12-200
For FY 2008	First Named Inventor	DIE GOLD	Erior on
Applicant claims small entity status. See 37 CFR 1.27	Examiner Name	STORMER, Russel D.	FFICE OF PETITI
	Art Unit	3617	
TOTAL AMOUNT OF PAYMENT (\$)	Attorney Docket No.	01117.0010.PCUS00	
METHOD OF PAYMENT (check all that apply)			
Check Credit Card Money Order No	Пол		
Deposit Account Deposit Account Number 083038 For the above-Identified deposit account, the Director is he	·	amis: Howrey LLP	
Charge fee(s) Indicated below		indicated balow, except for	the filing fee
Charge any additional fee(s) or underpayments of fe under 37 CFR 1.16 and 1.17	C. C	• •	
ARNING: Information on this form may become public. Credit card in formation and authorization on PTO-2008.	formation should not be the	chuded on this form. Provide cr	edit card
EE CALCULATION			
BASIC FILING, SEARCH, AND EXAMINATION FEES			
FILING FEES SEAF		MINATION FEES	
Application Type Fee (8) Fee (5) Fce (5)	Small Entity Si Fee (\$) Fee	Small Entity (S) Fee (S) Fe	es Paid (\$)
Utility 310 155 510	255 21	•	
Design 210 105 100	50 13	0 65	
Plant 210 105 310	155 16	0 80	
Reissue 310 155 510	255 62	0 310	•
Provisional 210 105 0	0	0 0	
EXCESS CLAIM FEES	•	Fee (\$) Fee	
Fee Description Each claim over 20 (including Reissues)			<u>191</u> 25
Each independent claim over 3 (including Reissues)	•	210 10	
Multiple dependent claims		370 18	5
	e Peld (\$)	Multiple Depender	
- 20 or HP = X = HP = highest number of total claims paid for, if greater than 20.		Fee (S) Fe	e Pald (\$)
ndep, Claims Extra Claims Foo (\$) Foo	e Paid (\$)		
-3 or HP = 1 X = = HP = highest number of independent claims paid for, if greater than 8.			
APPLICATION SIZE FEE			
f the specification and drawings exceed 100 sheets of pa			
listings under 37 CFR. 1.52(e)), the application size for sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G)	and 37 CFR 1.16(s).	or simmi entity) for each a	amaonar 20
Total Sheets Extra Sheeta Number of each	ch additional 50 or fract (round up to a whole n		Fee Paid (\$)
OTHER FEE(S) Non-Bnglish Specification, \$130 fee (no small entity	•		Fees Paid (\$)
Other (e.g., late filing surcharge): Petition for Jasue fee.	oublication fee	, e = 10	3240-
NOTED NA			
neture In November	Registration No. 43,344	Telephone +31 2	0.500.4400

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a banafi by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CPR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments into amount of time you require to complete this torm and/or suggestions for reducing this burdan, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

17 Jan 2008

If you need assistance in completing the form, cell 1-800-PTO-9199 and select option 2.

JAN 18 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of BIEKER, Guido

Based on International Application No.

Serial No. 10/521,361

Confirmation No. 2310

Filed: 14 January 2005

Title: REDUCTION OF TORSIONAL

VIBRATION IN RAIL VEHICLE

WHEEL SETS

Group Art Unit: 3617

Examiner: Stormer

Atty. Dkt. No.: 01117.0010.PCUS00

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MAR 12 2008

OFFICE OF PETITIONS

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

Commissioner for Patents PO Box 1450 Alexandria VA 22313-1450

Şir:

I hereby certify that the correspondence listed below is being facsimile transmitted to the U.S. Patent and Trademark Office at telephone number 571-273-8300 on 18 January 2008.

Signaturo:

Name of person signing certificate: Marcel de Haas

List of correspondence submitted:

Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181

Request for refund under 37 CFR 1.28(a)

Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)

18. JAN. 2008 17:42

HOWREY LLP AMSTERDAM

eenthal fax cental

JAN 18 2008

NR. 3253 P. 2 |63 | 2008 JAH 24 PH 4: 29

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Guido BIEKER

Group Art Unit: 3617

Serial No. 10/521,361

Examiner: Stormer

Confirmation No. 2310

Atty. Dkt. No.: 01117.0010.PCUS00

Filed: 14 January 2005

RECEIVED

Title: REDUCTION OF TORSIONAL VIBRATION IN RAIL VEHICLE

MAR 1 2 2008

WHEEL SETS

OFFICE OF PETITIONS

PETITION TO WITEDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 CFR 1.181

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Sir:

In response to the Notice of Abandonment dated 11th December, 2007 (copy attached), Applicant requests withdrawal of the Notice of Abandonment and issue of a patent for the above referenced application.

- (1) Payment of the Issue fee was timely transmitted to the Patent and Trademark
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 001-571 273 2885 and included a signed Certificate of Transmission as provided for under 37
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- (4) The documents submitted identified the application by Applicant name, Examiner Name, Filing date, Title, Confirmation No, Group Art No. Attorney Docket Number Serial Number and International Application No. as can be seen from the enclosed copy of the transmittal form. Due to an oversight; the Serial No was incorrectly referenced as 10/849,802. All other numbers were correct. In particular, the International Application No. correctly and

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In the event that neither of the above petitions is granted, revival of the application as being unintentionally abandoned is hereby petitioned according to the attached form PTO/SB/64.

Refund of the incorrectly paid issue fee on the file with serial No. 10/849,802 is requested as appropriate.

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned by email at owend@howrev.com in order to resolve any questions.

Respectfully submitted,

David P. Owen Reg. No. 43,344

Date: 18 Jan 2008

Customer No. 32894

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JAN 18 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: VAN DEN BERG, Karel et al

Based on International Application No.

Serial No. 10/849,802

Confirmation No. 7963

Filed: 05/21/2004

Title: METHOD OF AUTOMATICALLY

MILKING A DAIRY ANIMAL

Group Art Unit: not assigned

Examiner: not assigned

Atty. Dkt. No.: 04132.0030.00US00

RECEIVED

MAR 1 2 2008

OFFICE OF PETITIONS

REQUEST FOR REFUND UNDER 37 CFR 1.28(A)

Mail Stop 16 Director of the US Patent and Trademark PO Box 1450 Alexandria, VA 22313-1450

Attn. Refund Section, Accounting Division,

Office of Finance

Sir:

Applicant hereby requests a refund of the fees indicated below that were paid in this application on 14th November 2007. This request is being made within three months of payment and therefore is in compliance with 37 CFR 1.28(a).

The fees and amounts for which a refund are requested are:

			Amount of Refund Requested
	filing fee		S
	excess claims fees under 37 CFR 1.16(b)	and/or 1.16(c)	S
	surcharge under 37 CFR 1.16(e)		\$
\boxtimes	issue fee		\$1400,-
	patent maintenance fee for the	intenance fee	\$
	patent maintenance fee surcharge		\$
\boxtimes	other: publication fee		\$300,—

JAN 18 2008

TOTAL REFUND REQUESTED

\$1700.--

Please make the requested refund by crediting to Deposit Account No. 08-3038 referencing the docket number shown above, or if not possible, by sending the refund payment to the attention of the undersigned at:

> Customer No. 32894 Howrey LLP 2941 Fairview Park Drive, Box 7 Falls Church, VA 22042 United States of America

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below in order to resolve any questions.

Respectfully submitted,

David P. Owen

Date:

Reg. No. 43,344

Customer No. 32894

Howrey LLP

2941 Fairview Park Drive, Box 7

Falls Church, VA 22042

United States of America

Tel: 011 31 20 592 4422

RECEIVED CENTRAL FAX CENTENR. 3253 P.

JAN 18 2008

PTO/SB/54 (05-03)
Approved for use through (04/50/2012, OMB 065-023)
U.S. Palent and Trademark Office; U.S. DEPARTMENT OF COMMERCE,
to a collection of information unloss it displays a valid CMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT A UNINTENTIONALLY UNDER 37 CFR 1.137(b)	BANDONED	Docket Number (Optional) 01117.0010.PCU\$00		
First named Inventor: BIEKER, Guido				
Application No.: 10/521,361 Gro	up Art Unit: 3617			
Filed: 01/14/2005 Exa	miner: STORMER	, Russell D.		
Title: REDUCTION OF TORSIONAL VIBRATION IN RAIL VEHICLE	WHEEL SETS	RECEIVED		
Attention: Office of Petitions				
Mail Stop Petition Commissioner for Patents P.O. Box 1450		MAR 12 2008		
Alexandria, VA 22313-1450 FAX: (703) 308-6916	0	FFICE OF PETITIONS		
NOTE: If Information or assistance is needed in cor Petitions Information at (703)305-9282.				
The above-identified application became abandoned for fallure to file a timely and proper reply to a notice or action by the United States Patent and Tradsmark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.				
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION				
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee — r applications filed before June 8, 1995; and (4) Statement that the entire delay was uninte	for all design app			
1. Petition fee	·			
Small entity - fee \$ (37 CFR 1.17(m)). Applicant claim	a small entity statu	is. See 37 CFR 1.27.		
☑ Other than small entity - fee \$1540 (37 CFR 1.17(m))				
2. Reply and/or fee				
A. The reply and/or fee to the above-noted Office action in the form of (identify type of reply): hes been filed previously on is enclosed herewith. B. The issue fee of \$ 1400.00 + > 46/ica +ion fee of \$ 1400.00 has been paid previously on is enclosed herewith.	ce of \$ 300	. 35		

[Page 1 of 2]

This collection of Information is required by 87 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is astimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burdan, should be sant to the Chief Information Officer, U.S. Peternark Office, U.S. Department of Commence, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patition, Commissioner for Patents, P.O. Box1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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NR. 3253 P. 7

JAN 1 8 2008

Approved for use through 0430/2003. OMB 0651-0031
Pelant and Trademax Office; U.S. DEPARTMENT OF COMMERCE
Under the Personant Reduction Act of 1995, no persons are required to respond to a collection of information values it displays a valid OMB control number. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_ for a small entity or \$_ than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63). 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))j. WARNING; Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Date Signature Telephone Number: +31 20 592 4442 Typed or printed name David P. Owen Address Howrey LLP 2941 Fairview Park Drive, Box 7 Falls Church, VA 22042 United States of America Enclosures: Fee Payment ☐ Reply ■ Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)] I hereby certify that this correspondence is being: deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. ☑ transmitted by facsimile on the date shown below to the Peters and Trademark Office at (703) 308-6916. Signature Date

Typed or printed name of person signing certificate